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OFFICE OF PETITIONS

In re Application of :
Harry McCabe :
Application No. 09/777,292 :
Filed: February 5, 2001 :
Attorney Docket No. 289657.121US1 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 12, 2004, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on November 13, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment that *prima facie* places the application in condition for allowance; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of May 12, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 2113 for appropriate action on the concurrently filed amendment.


David Bucci
Petitions Examiner
Office of Petitions